

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY et al.

Appl. No.: 09/177,387

Filed: October 23, 1998

For: Recombinational Cloning Using

Nucleic Acids Having Recombination Sites Confirmation No.: 3052

Art Unit: 1636

Examiner: Lambertson, D.A.

Atty. Docket: 0942.2850004/RWE/BJD/JKM

Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

It is hereby requested that the period for filing an Appeal Brief; be extended four months from December 10, 2003 to April 10, 2004 by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17(a)) is believed to be \$1,480.00 for a four month extension for a large entity. Fee payment is provided in our accompanying PTO-2038 Credit Card Payment Form. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned.

04/09/2004 SMINASS1 00000022 09177387

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1480.00 OF

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

Date: April 8, 2004

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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PTO/SB/17 (10-03)

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FEE	TR	AN	SMI	ΓTAL
•	for	FY	2004	4

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

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Complete if Known					
Application Number	09/177,387				
Filing Date	October 23, 1998				
First Named Inventor	James L. HARTLEY				
Examiner Name	Lambertson, D.A.				
Art Unit	1636				
Attorney Docket No.	0942.2850004/RWE/BJD/JKM				

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)					
Check X Credit card Money Order Order None	3. ADDI					
*Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.	Large Entity					
Deposit	Fee Fee Code (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	
Account 19-0036	1051 130	2051	65	Surcharge - late filing fee or oath	ree Palu	
Deposit Account Sterne Kessler, Goldstein & Fox P.L.L.C.	1052 50	2052	25	Surcharge - late provisional filing fee or cover sheet		
Name The Director is authorized to: (check all that apply)	1053 130	1053	130	Non-English specification		
Charge fee(s) indicated below Credit any overpayments	1812 2,520	0 1812	2,520	For filing a request for ex parte reexamination		
Charge any additional fee(s) or any underpayment of fee(s)	1804 92	0* 1804	920*	Requesting publication of SIR prior to Examiner action		
Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	1805 1,840	0* 1805	1,840*	Requesting publication of SIR after Examiner action		
FEE CALCULATION	1251 11	0 2251	55	Extension for reply within first month		
1. BASIC FILING FEE	1252 42	0 2252	210	Extension for reply within second month		
Large Entity Small Entity	1253 95	0 2253	475	Extension for reply within third month		
Fee Fee Fee Fee Pee Pee Pee Paid Code (\$) Code (\$)	1254 1,480	0 2254	740	Extension for reply within fourth month	1,480.00	
1001 770 2001 385 Utility filing fee	1255 2,01	0 2255	1,005	Extension for reply within fifth month		
1002 340 2002 170 Design filing fee	1401 330	0 2401	165	Notice of Appeal		
1003 530 2003 265 Plant filing fee	1402 336	0 2402	165	Filing a brief in support of an appeal		
1004 770 2004 385 Reissue filing fee	1403 290	0 2403	145	Request for oral hearing		
1005 160 2005 80 Provisional filing fee	1451 1,510	0 1451	1,510	Petition to institute a public use proceeding		
SUBTOTAL (1) (\$) 0.00	1452 110	0 2452	55	Petition to revive - unavoidable		
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453 1,330	0 2453	665	Petition to revive - unintentional		
Fee from	1501 1,330		665	Utility issue fee (or reissue)		
Extra Claims below Fee Paid Total Claims 20 **= X =	1502 480	-	240	Design issue fee		
Independent V	1503 640	.	320	Plant issue fee		
Claims - 3 **= L X L = - 1	1460 130		130	Petitions to the Commissioner		
	1807 5	0 1807	50	Processing fee under 37 CFR 1.17(q)		
Large Entity Small Entity Fee Fee Fee Fee Description	1806 180	0 1806	180	Submission of Information Disclosure Stmt		
Code (\$) Code (\$)	8021 4	0 8021	40	Recording each patent assignment per property (times number of properties)		
1202 18 2202 9 Claims in excess of 20 1201 86 2201 43 Independent claims in excess of 3	1809 770	0 2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		
1203 290 2203 145 Multiple dependent claim, if not paid	1810 770	0 2810	385	For each additional invention to be		
1204 86 2204 43 ** Reissue independent claims over original patent	1801 770	0 2801	385	examined (37 CFR 1.129(b)) Request for Continued Examination (RCE)		
1205 18 2205 9 ** Reissue claims in excess of 20	1802 90		900	Request for expedited examination		
and over original patent		1		of a design application		
SUBTOTAL (2) (\$) 0.00	Other fee (1.400.00	
**or number previously paid, if greater; For Reissues, see above	*Reduced t	by Basic	riiing F	ee Paid SUBTOTAL (3) (\$)	1,480.00	

SUBMITTED BY (Co					(Complete (Complete (if applicable))	
Name (Print/Type)	Brian J. Del Buono	Nation	Registration No. (Attorney/Agent)	42,473	Telephone	(202) 371-2600	
Signature	ISO de la		2		Date	April 8, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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April 8, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1636

Re:

U.S. Utility Patent Application

Appl. No. 09/177,387; Filed: October 23, 1998

For: Recombinational Cloning Using Nucleic Acids Having Recombination

Sites

Inventors:

HARTLEY et al.

Our Ref:

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Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. PTO-2038 Credit Card Payment Form in the amount of \$1,480.00 to cover the four month extension of time filing fee;
- 2. PTO Fee Transmittal (PTO/SB/17);
- 3. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1); and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents April 8, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

BJD/JKM:bac Enclosures

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